

**REMARKS**

This Paper is submitted in response to the Office Action mailed December 9, 2009 having a shortened statutory response period ending on March 9, 2010. This Paper is filed within the two months of the statutory response period, namely February 9, 2010. The Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 04-1512, with reference to Attorney Docket No. DOW-31668-A-US.

Claims 1, 3-4, 6-16, 20-22, 25-29 are pending. Claims 2, 5, 17-19, 23-24, and 30-48 have been canceled.

Applicants respectfully request that this Paper be entered as it (1) places the claims in a condition for allowance and (2) requires only a cursory review by the Examiner.

**I. Examiner Interview**

Attorney for Applicants would like to thank Examiner Kruer for the courtesies extended during a telephonic Examiner Interview on February 8, 2010. The Interview addressed the state of the polyethylene art. It is Applicants' position that the skilled artisan would understand the structural, physical, and catalytic differences between a homogeneously branched polyethylene and a heterogeneously branched polyethylene. *See* U.S. Patent No. 5,869,575 ('575 Patent) col. 4 line 16 through col. 6 line 19 (the '575 Patent is incorporated by reference in *Tau* at ¶52). Homogeneous catalysts (constrained geometry catalysts, or CGC) produce homogeneously branched polyethylene and heterogeneous catalysts (Ziegler-Natta catalysts) produce heterogeneously branched polyethylene. '575 Patent, col. 6 line 30 through col. 16 line 6. A substantially linear polyethylene (SLEP) is produced by a CGC catalyst, and therefore a SLEP is a homogeneously branched polyethylene. *See* U.S. Patent No. 5,278,272 (the '272 Patent) col. 3 line 57 through col. 5 line 6; col. 7 lines 18-29. The '272 Patent is incorporated by reference in *Tau* at ¶21. Thus, Applicants' respectfully submit that the skilled artisan would recognize that the SLEP disclosed in *Tau* is a homogeneously branched polyethylene.

## 2. The Present Claims are Novel and Nonobvious In View of Tau and/or Sun

Claims 1, 3, 4, 6-16, 20-22 and 25-29 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by US Patent Application Publication No. 2001/0046606 to Tau et al. (*Tau*). Claims 1, 3, 4, 6-16, 20-22 and 25-29 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by US Patent No. 6,835,462 to Sun et al. (*Sun*). Applicants respectfully traverse and disagree with these alleged rejections for the reasons set forth below.

The present claims recite a three layer film with skin layers “devoid of a homogeneously branched polyethylene resin prepared with a single site catalyst.” *Tau*’s film requires at least one layer to contain a blend of (i) substantially linear polyethylene (SLEP) (or a homogeneously branched linear polyethylene) and (ii) linear low density polyethylene (LLDPE) (*i.e.*, Blend A in the examples). *Tau*, ¶¶9, 109-116. A SLEP is a homogeneously branched polyethylene as discussed above. In other words, *Tau*’s skin layers contain a homogeneously branched polyethylene. *Tau*’s layer containing the homogeneously branched polyethylene is the skin layer. *Tau*, ¶¶109-116.


*Tau*’s skin layers contain homogeneously branched polyethylene. *Tau* therefore teaches away from the claimed film with skin layers **devoid** of a homogeneously branched polyethylene. Applicants therefore respectfully request that the alleged rejections based on *Tau* be withdrawn and *Tau* be removed as a reference.

*Sun* does not disclose or suggest a three-layer film with a haze value less than 15% as recited in the present claims. *Sun* discloses multi-layer films—two layer films and three layer films. *Sun*, col. 8 line 61 through col. 11 line 61. *Sun* discloses haze values for the two layer film at col. 9 lines 55-56. *Sun* is clear that these haze values are for two layer films, not three layer films. This is apparent as *Sun* clearly delineates between the end of the two layer film description (col. 9 line 56) and the beginning of the three layer film description by stating that the three layer film is “[y]et another embodiment of the present invention....” *Sun*, col. 9 line 57. In addition, *Sun* provides no haze values in the three layer film description. Furthermore, the haze values in Tables VI and VII are for two layer films, not three layer films.

Indeed, the skilled artisan would realize that haze, being an optical property, is directly effected by the layer structure of a film. *See Patel Declaration* at ¶6. Accordingly, the skilled artisan would not read haze values for *Sun's* two layer embodiment at col. 9 lines 55-56 as applicable to the three layer embodiment. For the foregoing reasons, *Sun* fails to disclose or suggest the claimed three layer film having a haze value less than 15%.

The Examiner is respectfully requested to reconsider the application in view of this Response, to withdraw the rejections, and to forward the application to allowance.

Respectfully submitted,



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